

00684.003087.



HJ1
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
KOROMO SHIROTA ET AL.) : Examiner: K. Feggins
Application No.: 09/677,867) : Group Art Unit: 2861
Filed: October 3, 2000)
For: INK JET HEAD SUBSTRATE)
HAVING HEAT GENERATING)
RESISTOR AND INK JET HEAD)
AND RECORDING METHOD)
USING SAME) September 23, 2004

RECEIVED

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SEP 28 2004

OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. § 1.137(b) TO
REVIVE UNINTENTIONALLY ABANDONED APPLICATION**

Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. § 1.137(b) to restore to pending status the above-identified application, which was held abandoned for failure to reply to the Notice of Allowance dated November 5, 2002.

In accordance with 37 C.F.R. § 1.137(b)(2), enclosed is a check in the amount of \$1,330.00 in payment of the petition fee required under 37 C.F.R. § 1.17(m). In conformity with 37 C.F.R. § 1.137(c), and in response to the Notice of Allowance, submitted herewith are a Request for Continued Examination (RCE) and check in the amount of \$770.00 in payment of the RCE fee, and a Preliminary Amendment. Please charge any additional fee, and credit any overpayment, to Deposit Account No. 06-1205.

09/27/2004 CCHAU1 00000044 09677867

01 FC:1881
02 FC:1453

770.00 OP
1330.00 OP

09/27/2004 AKELLEY 00000047 09677865
01 FC:1501 1330.00 DA

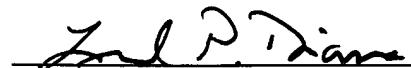
Because this application was filed after June 8, 1995, no Terminal Disclaimer is required.

The entire delay in filing the required reply to the Notice of Allowance until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. Applicants note that the Notice of Allowance dated November 5, 2002, was mailed in spite of a proper request for a three-month suspension of action from August 21, 2002, to November 21, 2002. Applicants submitted a Request for Withdrawal of Notice of Allowance on February 5, 2003, and based on a telephone conversation with Examiner Feggins, Applicants understood that the Notice of Allowance was to be withdrawn. Applicants subsequently submitted to the Office a Preliminary Amendment dated May 29, 2003, further amending the claims, and a Supplemental Information Disclosure Statement and Status Inquiry dated July 17, 2003. Applicants received from the Office a Decision on Petition to Vacate Office Action (Decision) dated June 24, 2004, and Notice of Abandonment dated July 22, 2004. One of Applicants' attorneys has reviewed the Decision and Notice of Abandonment with a representative from the Petitions Branch, and Applicants have determined, in an effort to restore the above-identified application to pending status and advance this application to issue, to file this Petition.

In view of the foregoing, the Commissioner is respectfully requested to return this application to pending status and advance this application to issue.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Leonard P. Diana
Attorney for Applicants
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 447190v1